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Page 1
 1
                UNITED STATES DISTRICT COURT
              EASTERN DISTRICT OF PENNSYLVANIA
 2
                   CASE NO.: 05-cv-4557
 3
     DARRYL MURRAY,
               Plaintiff,
 5
           VS
 6
     ALLEN WEINSTEIN,
 7
     Archivist of the
     United States,
 8
               Defendants.
 9
10
11
                 Tuesday, November 14, 2006
                 Philadelphia, Pennsylvania
12
13
                   Oral Deposition of WARREN HAMMOND
     taken pursuant to Notice, at the U.S. Attorney's
14
     Office, 615 Chestnut Street, Philadelphia,
15
     Pennsylvania commencing at approximately 2:06
     p.m., on the above date, before Tracey L. Pinsky,
     CSR, RPR and Notary Public.
16
17
18
19
20
21
               CLASS ACT REPORTING AGENCY, LLC
22
              Registered Professional Reporters
     1420 Walnut Street
                                 133H Gaither Drive
23
     Suite 1212
                                  Mt. Laurel, NJ 08054
     Philadelphia, PA 19103 (856) 235-5108
24
     (215) 928-9760
                                                 OVERNMENT
                                                   EXHIBIT
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# Case 2:05-cv-04557-NS Document 26-8 Filed 01/04/07 Page 2 of 17

### WARREN HAMMOND

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			Page 2	ļ	Page 4
	APPEARANCES:	HDE		1	WARREN HAMMOND, after having been
2	GERALD B. SULLIVAN, ESQU	IRE		2	first duly sworn, was examined and testified as
3	U.S. Department of Justice U.S. Attorney's Office			3	follows:
	Eastern District of Pennsylvania			4	EXAMINATION
4	615 Chestnut Street			5	BY MR. SULLIVAN:
	Suite 1250			6	Q. Are you ready, Mr. Hammond?
5	Philadelphia, Pennsylvania 19106	,		7	A. Yes.
1	Counsel for the Defendants			8	Q. Okay. Mr. Hammond, excuse me, I
6 7				9	have a cold today.
1	ALSO PRESENT:			10	· · · · · · · · · · · · · · · · · · ·
8				1	A. Uh-huh, yeah, me too.
	Darryl Murray, pro se			11	Q. Oh. My name is Gerald Sullivan.
9	John E. Davenport, General Cour	ısel		12	And I'm the Assistant United States Attorney. I
10				13	represent the National Archives and Records
11 12				14	Administration in this lawsuit in which it has
13				15	been sued by Mr. Murray
14				16	A. Yes.
15				17	Q as a result of his termination
16				18	from employment. I'm going to ask you some
17				19	questions today; but before we start, you
18 19				20	understand that you are under oath?
20				21	A. Yes.
21				22	Q. And that obligates you to tell the
22				23	truth and the whole truth?
23				24	
24				24	A. Yes, I will.
					D .
1	INDEX		Page 3	,	Page 5
2	WITNESS	PAGE	•	1	Q. I know you told me that you will have a medical issue
3	WARREN HAMMOND	TAGE		2	
4	By Mr. Sullivan	4,63		3	A. Uh-huh.
5	By Mr. Murray	63		4	Q that might require you to take
6		-		5	breaks from time to time.
	CVIIDITO				
l	EXHIBITS			6	A. Uh-huh.
7	EXHIBITS			7	Q. If during the time of this short
7	NUMBER DESCRIPTION		PAGE	ı	
7 8	NUMBER DESCRIPTION		PAGE	7	Q. If during the time of this short
8		21	PAGE	7 8	Q. If during the time of this short deposition
8	NUMBER DESCRIPTION	21	PAGE	7 8 9	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time,
8 9 10	NUMBER DESCRIPTION	21	PAGE	7 8 9 10	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay?
8 9 10 11	NUMBER DESCRIPTION	21	PAGE	7 8 9 10 11 12	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay? A. Yes, sir. Uh-huh.
8 9 10 11 12	NUMBER DESCRIPTION	21	PAGE	7 8 9 10 11 12 13	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay? A. Yes, sir. Uh-huh. Q. Have you ever been deposed before?
8 9 10 11 12 13	NUMBER DESCRIPTION	21	PAGE	7 8 9 10 11 12 13 14	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay? A. Yes, sir. Uh-huh. Q. Have you ever been deposed before? A. What do you mean deposed fired?
9 10 11 12 13 14	NUMBER DESCRIPTION	21	PAGE	7 8 9 10 11 12 13 14 15	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay? A. Yes, sir. Uh-huh. Q. Have you ever been deposed before? A. What do you mean deposed fired? Q. Under testimony in a room like
9 10 11 12 13 14 15	NUMBER DESCRIPTION	21	PAGE	7 8 9 10 11 12 13 14 15 16	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay? A. Yes, sir. Uh-huh. Q. Have you ever been deposed before? A. What do you mean deposed fired? Q. Under testimony in a room like this
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8 9 10 11 12 13 14 15 16 17	NUMBER DESCRIPTION	21	PAGE	7 8 9 10 11 12 13 14 15 16 17	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay? A. Yes, sir. Uh-huh. Q. Have you ever been deposed before? A. What do you mean deposed fired? Q. Under testimony in a room like this A. No. Q outside of court?
8 9 10 11 12 13 14 15 16 17 18	NUMBER DESCRIPTION	21	PAGE	7 8 9 10 11 12 13 14 15 16 17 18 19	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay? A. Yes, sir. Uh-huh. Q. Have you ever been deposed before? A. What do you mean deposed fired? Q. Under testimony in a room like this A. No. Q outside of court? A. No.
8 9 10 11 12 13 14 15 16 17 18 19	NUMBER DESCRIPTION	21	PAGE	7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay? A. Yes, sir. Uh-huh. Q. Have you ever been deposed before? A. What do you mean deposed fired? Q. Under testimony in a room like this A. No. Q outside of court? A. No. Q. Okay.
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8 9 10 11 12 13 14 15 16 17 18 19 20	NUMBER DESCRIPTION	21	PAGE	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. If during the time of this short deposition A. Uh-huh. Q you need to do that at any time, let me know, okay? A. Yes, sir. Uh-huh. Q. Have you ever been deposed before? A. What do you mean deposed fired? Q. Under testimony in a room like this A. No. Q outside of court? A. No. Q. Okay. A. Uh-huh.
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2 (Pages 2 to 5)

1	Page 6 you the protocol for a deposition.	1	Page 8 Q. I will assume if you do answer one
2	A. Uh-huh. I had jury duty, that kind	2	of my questions, that you did understand it.
3	of thing, but	3	Okay?
4	Q. Okay.	4	A. Yes.
5	A that was, you know, I wasn't	5	Q. If you don't remember the answer to
6	the state of the s	6	a question
7	selected, though. Q. Right. Well	7	A. Uh-huh.
8	The state of the s	8	
		9	Q if you don't remember the facts,
9	Q. For purposes of today, your	1	just say I don't remember. If you don't know the
10	testimony A. Uh-huh.	10	answer to a question, you can certainly say I
11		11	don't know. Okay?
12	Q is being taken down by the court	12	A. Yes, sir.
13	reporter. And because	13	Q. Okay. And if you could not say
14	A. Uh-huh.	14	uh-huh because
15	Q it's being taken down by hand,	15	A. I'm sorry, I apologize.
16	there's no video camera, it's important that your	•	Q. Yes. I mean, yes or no would be
17	responses be in words. That they be oral	17	better for the record.
18	A. Uh-huh.	18	A. Uh-huh. Yes, sir.
19	Q and not merely shrugs of the	19	Q. Are you on any medications today
20	shoulder, nods of the head	20	that would impair your ability to answer
21	A. Okay.	21	questions, to understand questions and answer
22	Q things like that, because she	22	them?
23	won't be able to pick those things up.	23	A. No.
24	A. Yes, sir.	24	Q. Okay. What's your full name?
	Page 7		Page 9
1	Q. Okay. And I will certainly tell you	1	A. My name is Warren Ridgeley Hammond
2	if I see you doing that	2	Q. How do you spell Ridgeley?
3	A. Uh-huh.	3	A. R-i-d-g-e-l-e-y.
4	Q but if you can make an attempt to	4	Q. Do you have a nickname?
5	do that		
,		15	
1.6		5	A. Skip.
6 7	A. Uh-huh.	6	A. Skip. Q. S-k-i-p?
7	<ul><li>A. Uh-huh.</li><li>Q that will be great.</li></ul>	6 7	A. Skip. Q. S-k-i-p? A. Yes.
7 8	<ul><li>A. Uh-huh.</li><li>Q that will be great.</li><li>A. Okay. I'll try to be as helpful as</li></ul>	6 7 8	<ul><li>A. Skip.</li><li>Q. S-k-i-p?</li><li>A. Yes.</li><li>Q. What's your Social Security number?</li></ul>
7 8 9	<ul><li>A. Uh-huh.</li><li>Q that will be great.</li><li>A. Okay. I'll try to be as helpful as I can.</li></ul>	6 7 8 9	<ul> <li>A. Skip.</li> <li>Q. S-k-i-p?</li> <li>A. Yes.</li> <li>Q. What's your Social Security number?</li> <li>A. 172-46-9036.</li> </ul>
7 8 9 10	<ul> <li>A. Uh-huh.</li> <li>Q that will be great.</li> <li>A. Okay. I'll try to be as helpful as</li> <li>I can.</li> <li>Q. It's also important that we not</li> </ul>	6 7 8 9	<ul> <li>A. Skip.</li> <li>Q. S-k-i-p?</li> <li>A. Yes.</li> <li>Q. What's your Social Security number?</li> <li>A. 172-46-9036.</li> <li>Q. And your street address, your home</li> </ul>
7 8 9 10 11	<ul> <li>A. Uh-huh.</li> <li>Q that will be great.</li> <li>A. Okay. I'll try to be as helpful as I can.</li> <li>Q. It's also important that we not speak over each other so</li> </ul>	6 7 8 9 10 11	<ul> <li>A. Skip.</li> <li>Q. S-k-i-p?</li> <li>A. Yes.</li> <li>Q. What's your Social Security number?</li> <li>A. 172-46-9036.</li> <li>Q. And your street address, your home address?</li> </ul>
7 8 9 10 11 12	<ul> <li>A. Uh-huh.</li> <li>Q that will be great.</li> <li>A. Okay. I'll try to be as helpful as I can.</li> <li>Q. It's also important that we not speak over each other so</li> <li>A. Yes, sir.</li> </ul>	6 7 8 9 10 11 12	<ul> <li>A. Skip.</li> <li>Q. S-k-i-p?</li> <li>A. Yes.</li> <li>Q. What's your Social Security number?</li> <li>A. 172-46-9036.</li> <li>Q. And your street address, your home address?</li> <li>A. 4920 Chestnut Street.</li> </ul>
7 8 9 10 11 12 13	<ul> <li>A. Uh-huh.</li> <li>Q that will be great.</li> <li>A. Okay. I'll try to be as helpful as</li> <li>I can.</li> <li>Q. It's also important that we not speak over each other so</li> <li>A. Yes, sir.</li> <li>Q if you could let me finish my</li> </ul>	6 7 8 9 10 11 12 13	<ul> <li>A. Skip.</li> <li>Q. S-k-i-p?</li> <li>A. Yes.</li> <li>Q. What's your Social Security number?</li> <li>A. 172-46-9036.</li> <li>Q. And your street address, your home address?</li> <li>A. 4920 Chestnut Street.</li> <li>Q. Okay.</li> </ul>
7 8 9 10 11 12 13 14	<ul> <li>A. Uh-huh.</li> <li>Q that will be great.</li> <li>A. Okay. I'll try to be as helpful as</li> <li>I can.</li> <li>Q. It's also important that we not speak over each other so</li> <li>A. Yes, sir.</li> <li>Q if you could let me finish my questions before you answer and I'll try my best,</li> </ul>	6 7 8 9 10 11 12 13 14	<ul> <li>A. Skip.</li> <li>Q. S-k-i-p?</li> <li>A. Yes.</li> <li>Q. What's your Social Security number?</li> <li>A. 172-46-9036.</li> <li>Q. And your street address, your home address?</li> <li>A. 4920 Chestnut Street.</li> <li>Q. Okay.</li> <li>A. Second floor, rear.</li> </ul>
7 8 9 10 11 12 13 14 15	<ul> <li>A. Uh-huh.</li> <li>Q that will be great.</li> <li>A. Okay. I'll try to be as helpful as</li> <li>I can.</li> <li>Q. It's also important that we not speak over each other so</li> <li>A. Yes, sir.</li> <li>Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let</li> </ul>	6 7 8 9 10 11 12 13 14 15	A. Skip. Q. S-k-i-p? A. Yes. Q. What's your Social Security number? A. 172-46-9036. Q. And your street address, your home address? A. 4920 Chestnut Street. Q. Okay. A. Second floor, rear. Q. Okay. I'm showing you a copy of my
7 8 9 10 11 12 13 14 15 16	A. Uh-huh. Q that will be great. A. Okay. I'll try to be as helpful as I can. Q. It's also important that we not speak over each other so A. Yes, sir. Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let you answer before I ask my questions	6 7 8 9 10 11 12 13 14 15 16	A. Skip. Q. S-k-i-p? A. Yes. Q. What's your Social Security number? A. 172-46-9036. Q. And your street address, your home address? A. 4920 Chestnut Street. Q. Okay. A. Second floor, rear. Q. Okay. I'm showing you a copy of my subpoena to you. You'll see that it directs you
7 8 9 10 11 12 13 14 15 16 17	A. Uh-huh. Q that will be great. A. Okay. I'll try to be as helpful as I can. Q. It's also important that we not speak over each other so A. Yes, sir. Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let you answer before I ask my questions A. Uh-huh.	6 7 8 9 10 11 12 13 14 15 16 17	A. Skip. Q. S-k-i-p? A. Yes. Q. What's your Social Security number? A. 172-46-9036. Q. And your street address, your home address? A. 4920 Chestnut Street. Q. Okay. A. Second floor, rear. Q. Okay. I'm showing you a copy of my subpoena to you. You'll see that it directs you to bring any and all documents relating in anyway
7 8 9 10 11 12 13 14 15 16 17 18	A. Uh-huh. Q that will be great. A. Okay. I'll try to be as helpful as I can. Q. It's also important that we not speak over each other so A. Yes, sir. Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let you answer before I ask my questions A. Uh-huh. Q. That helps the court reporter and	6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>A. Skip.</li> <li>Q. S-k-i-p?</li> <li>A. Yes.</li> <li>Q. What's your Social Security number?</li> <li>A. 172-46-9036.</li> <li>Q. And your street address, your home address?</li> <li>A. 4920 Chestnut Street.</li> <li>Q. Okay.</li> <li>A. Second floor, rear.</li> <li>Q. Okay. I'm showing you a copy of my subpoena to you. You'll see that it directs you to bring any and all documents relating in anyway to Darryl Murray and/or relating to persons whom</li> </ul>
7 8 9 10 11 12 13 14 15 16 17 18 19	A. Uh-huh. Q that will be great. A. Okay. I'll try to be as helpful as I can. Q. It's also important that we not speak over each other so A. Yes, sir. Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let you answer before I ask my questions A. Uh-huh. Q. That helps the court reporter and helps the transcript.	6 7 8 9 10 11 12 13 14 15 16 17 18	A. Skip. Q. S-k-i-p? A. Yes. Q. What's your Social Security number? A. 172-46-9036. Q. And your street address, your home address? A. 4920 Chestnut Street. Q. Okay. A. Second floor, rear. Q. Okay. I'm showing you a copy of my subpoena to you. You'll see that it directs you to bring any and all documents relating in anyway to Darryl Murray and/or relating to persons whom you believe have been treated similarly or
7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>A. Uh-huh.</li> <li>Q that will be great.</li> <li>A. Okay. I'll try to be as helpful as</li> <li>I can.</li> <li>Q. It's also important that we not speak over each other so</li> <li>A. Yes, sir.</li> <li>Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let you answer before I ask my questions</li> <li>A. Uh-huh.</li> <li>Q. That helps the court reporter and helps the transcript.</li> <li>A. Uh-huh.</li> </ul>	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Skip. Q. S-k-i-p? A. Yes. Q. What's your Social Security number? A. 172-46-9036. Q. And your street address, your home address? A. 4920 Chestnut Street. Q. Okay. A. Second floor, rear. Q. Okay. I'm showing you a copy of my subpoena to you. You'll see that it directs you to bring any and all documents relating in anyway to Darryl Murray and/or relating to persons whom you believe have been treated similarly or dissimilarly to Mr. Murray
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Uh-huh. Q that will be great. A. Okay. I'll try to be as helpful as I can. Q. It's also important that we not speak over each other so A. Yes, sir. Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let you answer before I ask my questions A. Uh-huh. Q. That helps the court reporter and helps the transcript. A. Uh-huh. Q. If you don't understand any question	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Skip. Q. S-k-i-p? A. Yes. Q. What's your Social Security number? A. 172-46-9036. Q. And your street address, your home address? A. 4920 Chestnut Street. Q. Okay. A. Second floor, rear. Q. Okay. I'm showing you a copy of my subpoena to you. You'll see that it directs you to bring any and all documents relating in anyway to Darryl Murray and/or relating to persons whom you believe have been treated similarly or dissimilarly to Mr. Murray A. Uh-huh.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Uh-huh. Q that will be great. A. Okay. I'll try to be as helpful as I can. Q. It's also important that we not speak over each other so A. Yes, sir. Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let you answer before I ask my questions A. Uh-huh. Q. That helps the court reporter and helps the transcript. A. Uh-huh. Q. If you don't understand any question that I ask, please let me know and I'll repeat it	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Skip. Q. S-k-i-p? A. Yes. Q. What's your Social Security number? A. 172-46-9036. Q. And your street address, your home address? A. 4920 Chestnut Street. Q. Okay. A. Second floor, rear. Q. Okay. I'm showing you a copy of my subpoena to you. You'll see that it directs you to bring any and all documents relating in anyway to Darryl Murray and/or relating to persons whom you believe have been treated similarly or dissimilarly to Mr. Murray A. Uh-huh. Q that are in your possession,
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Uh-huh. Q that will be great. A. Okay. I'll try to be as helpful as I can. Q. It's also important that we not speak over each other so A. Yes, sir. Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let you answer before I ask my questions A. Uh-huh. Q. That helps the court reporter and helps the transcript. A. Uh-huh. Q. If you don't understand any question that I ask, please let me know and I'll repeat it and try to make it understandable to you. Okay?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Skip. Q. S-k-i-p? A. Yes. Q. What's your Social Security number? A. 172-46-9036. Q. And your street address, your home address? A. 4920 Chestnut Street. Q. Okay. A. Second floor, rear. Q. Okay. I'm showing you a copy of my subpoena to you. You'll see that it directs you to bring any and all documents relating in anyway to Darryl Murray and/or relating to persons whom you believe have been treated similarly or dissimilarly to Mr. Murray A. Uh-huh. Q that are in your possession, custody or control.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Uh-huh. Q that will be great. A. Okay. I'll try to be as helpful as I can. Q. It's also important that we not speak over each other so A. Yes, sir. Q if you could let me finish my questions before you answer and I'll try my best, although I don't always succeed at this, to let you answer before I ask my questions A. Uh-huh. Q. That helps the court reporter and helps the transcript. A. Uh-huh. Q. If you don't understand any question that I ask, please let me know and I'll repeat it	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Skip. Q. S-k-i-p? A. Yes. Q. What's your Social Security number? A. 172-46-9036. Q. And your street address, your home address? A. 4920 Chestnut Street. Q. Okay. A. Second floor, rear. Q. Okay. I'm showing you a copy of my subpoena to you. You'll see that it directs you to bring any and all documents relating in anyway to Darryl Murray and/or relating to persons whom you believe have been treated similarly or dissimilarly to Mr. Murray A. Uh-huh. Q that are in your possession,

3 (Pages 6 to 9)

		Υ	
	Page 10		Page 12
1	Q. Do you or did you have you at any		know, in casual speaking, You know, what had
$\begin{vmatrix} 2 \\ 3 \end{vmatrix}$	time had any documents that would be responsive t that part of the subpoena?	1	happened to him.
1	•	3	Q. Okay. Well, I'll talk to you a bit
4	A. No, sir.	4	about that.
5	Q. Okay. You don't have any documents related	5	A. Uh-huh.
6	A. No.	6	Q. Did you do anything to prepare for
7		7	today's deposition, did you read anything, your
8	•	8	former statement, anything to prepare?
9	A. No, sir.	9	A. No.
11	Q. Okay. A. Not on me.	10	Q. Okay.
12		11	A. No, I didn't.
1	Q. Not on you. Anywhere?	12	Q. Did you talk to did you talk to
13	A. No. No, sir.	13	anyone to prepare?
14	Q. Okay. When, apart from the	14	A. No, I didn't. Other than, you know,
15	pleasantries you just exchanged with Mr. Murray,	15	that, you know, I had to come to jury, I mean,
16	did you last speak to him?	16	had to come here, you know.
17	A. Oh, boy. I'm trying to recollect.	17	Q. Supervisors?
18	I don't understand well, I don't remember when	18	A. Yeah.
19	he was terminated, I it's was it three years	19	Q. Okay.
20	ago?	20	A. Yes.
21	Q. Late 2004.	21	Q. Where are you currently employed?
22	A. Okay. All right. I think I talked	22	A. I'm at National Archives and Record
23	to I have talked to him, to the best of my	23	Administration.
24	recollection, I think the day after I had talked	24	Q. At the Federal Records Center on
	Page 11		Page 13
1	Page 11 to him on the phone.	1	Page 13 A. Yes.
1 2		1 2	
	to him on the phone.		A. Yes.
2	to him on the phone. Q. Okay. A. I had called him.	2	A. Yes. Q Townsend Road?
2 3	to him on the phone. Q. Okay. A. I had called him.	2 3	<ul><li>A. Yes.</li><li>Q Townsend Road?</li><li>A. Yes, uh-huh.</li></ul>
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to him on the phone.  Q. Okay. A. I had called him. Q. Okay. A. Okay. And I didn't get an answer, but I got his answering service, I do believe. Q. Okay. A. He did come up to the National Archives, I think, with the intention of seeing me, but I didn't Q. And I'll talk to you A. It was a day I wasn't there. Q. I'll talk to you about late 2004. Have you A. Yeah. Q spoken to him since late 2004? A. I haven't talked to him since then. Q. Okay. By phone or in person? A. No, sir. Q. Okay. A. Uh-huh. Q. Have you exchanged messages through	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q Townsend Road? A. Yes, uh-huh. Q. Okay. What do you do there? A. I'm an archives technician. Q. Okay. And what GS level are you? A. I'm an GS-4, Step 10. Q. How long have you worked there? A. I've been there since 1998, September 10th Q. Do you A September 11th. Q. So you were at the Wissahickon facility? A. No, I wasn't there. Q. Oh, you've only worked at Townsend Road? A. Townsend Road. Yes, sir. Q. Okay. How long have you been GS-4 Level 10? A. When did I get my 10. I think I got it I got it, I think the first or second year

4 (Pages 10 to 13)

•	2 14	T	Dec. 16
1	Page 14  A. It was before step 10.	1	Page 16  A. Well, he was a coworker and he was a
	<del>-</del>	2	friend on the job.
3	<ul><li>Q. Who is your supervisor?</li><li>A. Currently?</li></ul>	3	Q. Were you
1	•	4	A. Yeah.
4	<ul><li>Q. First level.</li><li>A. My first level supervisor is</li></ul>	5	Q doing similar tasks
5		6	A. Yes, we were.
6	Aaron Swann.	7	Q on a daily basis?
7	<ul><li>Q. How about second level?</li><li>A. Dan Bettison.</li></ul>	8	A. Yes.
8		9	Q. Okay.
9	Q. Have you had any different first	10	
10	level supervisors than Aaron Swann?	11	·
11	A. Liz Elizabeth Washington. They	12	Q. When did you first meet him? A. When I first came here in October of
12	had a changeover, he's now my supervisor.	1	1
13	Q. When did your supervisor change from		1998.
14	Ms. Washington to Mr. Swann?	14	Q. Okay. Did you did the two of you
15	A. I'm all right. Let me see if I	15	ever socialize outside the workplace?
16	can get this together. I would say in September,		A. No.
17	August September, if my memory is correct.	17	MR. SULLIVAN: You unfortunately,
18	Yeah, I think it was in September. I don't know	18	you're not allowed to look to him for answers.
19	the exact day.	19	THE WITNESS: Yeah, okay.
20	Q. Of this year?	20	MR. SULLIVAN: I apologize.
21	A. Yes, sir.	21	THE WITNESS: We were we had made
22	Q. Okay. What did you do before you	22	plans to meet, you know. To go out like maybe
23	worked for the National Archives?	23	have a drink or two or something like that, but it
24	A. I worked at Naval Air Technical	24	never transpired.
1	Page 15		Page 17
1	Page 15 Services Facility. I was a file clerk.	1	BY MR. SULLIVAN:
1 2		1 2	BY MR. SULLIVAN: Q. Okay. Were you, nevertheless, good
	Services Facility. I was a file clerk.	1 -	BY MR. SULLIVAN: Q. Okay. Were you, nevertheless, good friends with him throughout the time that you knew
2	Services Facility. I was a file clerk. Q. And where is that located?	2 3	BY MR. SULLIVAN: Q. Okay. Were you, nevertheless, good friends with him throughout the time that you knew him?
2 3	Services Facility. I was a file clerk. Q. And where is that located? A. It was located on Robbins Avenue,	2 3	BY MR. SULLIVAN: Q. Okay. Were you, nevertheless, good friends with him throughout the time that you knew him? A. I was very good friends with him.
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2 3 4 5	Services Facility. I was a file clerk.  Q. And where is that located?  A. It was located on Robbins Avenue, 700 Robbins Avenue, but they have since moved to San Diego, California.  Q. Okay.  A. I was a union rep also, when I was	2 3 4 5 6 7	BY MR. SULLIVAN: Q. Okay. Were you, nevertheless, good friends with him throughout the time that you knew him? A. I was very good friends with him.
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5 (Pages 14 to 17)

	D 10		D 20
1	Page 18 do you mean?	1	Page 20 and upstanding.
2	A. I was on annual leave.	2	Q. Okay. I haven't
3	Q. The entire day?	3	A. Yeah.
4	A. The whole day.	4	Q asked you that question, so I
5	Q. Okay. Just give me a second.	5	wasn't
6	A. If you may, may I interject	6	A. Yeah.
7	something?	7	Q I didn't understand why you
8	Q. Sure.	8	brought their names up. But
9	A. I probably neglected to say when I	9	A. Uh-huh.
10	had knew I was coming here, I I've casually	1	Q you have testified just now
11	mentioned that I, you know, had I had a	11	A. Uh-huh.
12	deposition to come to and I had mentioned it to a	1	Q that you were not working on
13	lady I worked with. Bonnie Flemming	13	September 22nd, 2004
14	Bonita Flemming and Diane Caruco.	14	A. Uh-huh.
15	Q. You mentioned it to two persons you	15	Q correct?
16	work with?	16	A. Yes, sir. Uh-huh.
17	A. Yes.	17	Q. How did you verify that? How do you
18	Q. Bonnie Flemming and	18	know that?
19	A. Bonnie	19	A. That I wasn't on that day?
20	Q. How do you spell the second one?	20	Q. Yeah.
21	A. Bonita Flemming. The second one?	21	A. I put in a leave slip and I was off
22	Q. Yes.	22	that day.
23	A. Diane Caruco, Caruco, I think her	23	Q. And you have a clear memory about
24	last name is.	24	that?
<u> </u>		<u> </u>	
	Page 19		Page 21
1	Q. Do you know how to spell that?	1	A. About being off that day, yes, I do.
2	Δ Vean		0 01
	A. Yeah.	2	Q. Okay.
3	Q. Do you know how to spell that?	3	A. Uh-huh. Being off that day?
3 4	<ul><li>Q. Do you know how to spell that?</li><li>A. C-a-r-u-c-o, Caruco.</li></ul>	3 4	<ul><li>A. Uh-huh. Being off that day?</li><li>Q. I'm going to show you</li></ul>
3 4 5	<ul><li>Q. Do you know how to spell that?</li><li>A. C-a-r-u-c-o, Caruco.</li><li>Q. Okay. And they do what at National</li></ul>	3 4 5	<ul><li>A. Uh-huh. Being off that day?</li><li>Q. I'm going to show you</li><li>A. I'm trying to think.</li></ul>
3 4 5 6	<ul><li>Q. Do you know how to spell that?</li><li>A. C-a-r-u-c-o, Caruco.</li><li>Q. Okay. And they do what at National Archives?</li></ul>	3 4 5 6	<ul> <li>A. Uh-huh. Being off that day?</li> <li>Q. I'm going to show you</li> <li>A. I'm trying to think.</li> <li>Q. I'm going to show you what's been</li> </ul>
3 4 5 6 7	<ul> <li>Q. Do you know how to spell that?</li> <li>A. C-a-r-u-c-o, Caruco.</li> <li>Q. Okay. And they do what at National Archives?</li> <li>A. They're Archives aides, I would say.</li> </ul>	3 4 5 6 7	<ul> <li>A. Uh-huh. Being off that day?</li> <li>Q. I'm going to show you</li> <li>A. I'm trying to think.</li> <li>Q. I'm going to show you what's been</li> <li>marked what I'm going to have marked as Exhib</li> </ul>
3 4 5 6 7 8	<ul> <li>Q. Do you know how to spell that?</li> <li>A. C-a-r-u-c-o, Caruco.</li> <li>Q. Okay. And they do what at National Archives?</li> <li>A. They're Archives aides, I would say.</li> <li>Q. Okay. And you mentioned it to them</li> </ul>	3 4 5 6 7 8	A. Uh-huh. Being off that day? Q. I'm going to show you A. I'm trying to think. Q. I'm going to show you what's been marked what I'm going to have marked as Exhib A?
3 4 5 6 7 8 9	<ul> <li>Q. Do you know how to spell that?</li> <li>A. C-a-r-u-c-o, Caruco.</li> <li>Q. Okay. And they do what at National Archives?</li> <li>A. They're Archives aides, I would say.</li> <li>Q. Okay. And you mentioned it to them for what reason and what did they say?</li> </ul>	3 4 5 6 7 8 9	A. Uh-huh. Being off that day? Q. I'm going to show you A. I'm trying to think. Q. I'm going to show you what's been marked what I'm going to have marked as Exhib A?  (Exhibit A marked for
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you know how to spell that? A. C-a-r-u-c-o, Caruco. Q. Okay. And they do what at National Archives? A. They're Archives aides, I would say. Q. Okay. And you mentioned it to them for what reason and what did they say? A. I can't remember. I can't recall. Q. We A. They didn't say anything negative or positive, or detrimental, if I can use that terminology. Q. Mr. Hammond, I don't really understand why you brought up their names. You said you mentioned what to them, that you were coming here? A. Yeah, that I had to come here. Q. Why did you mention it to them?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Uh-huh. Being off that day? Q. I'm going to show you A. I'm trying to think. Q. I'm going to show you what's been marked what I'm going to have marked as Exhib A?  (Exhibit A marked for identification.) BY MR. SULLIVAN: Q. If you could take a look at that. A. Uh-huh. Q. Have you ever seen this before? It's a document titled Affidavit of Warren Hammond, with a signature on the last pag and the date of January 26th, 2005. I'll give you a chance in a second to look at the substance of it, but is this a document you've seen before? Is that your signature on the last page?
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you know how to spell that? A. C-a-r-u-c-o, Caruco. Q. Okay. And they do what at National Archives? A. They're Archives aides, I would say. Q. Okay. And you mentioned it to them for what reason and what did they say? A. I can't remember. I can't recall. Q. We A. They didn't say anything negative or positive, or detrimental, if I can use that terminology. Q. Mr. Hammond, I don't really understand why you brought up their names. You said you mentioned what to them, that you were coming here? A. Yeah, that I had to come here. Q. Why did you mention it to them? A. The reason why I did because I, you know, I assumed they were friends of Darryl's and	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Uh-huh. Being off that day? Q. I'm going to show you A. I'm trying to think. Q. I'm going to show you what's been marked what I'm going to have marked as Exhib. A?  (Exhibit A marked for identification.) BY MR. SULLIVAN: Q. If you could take a look at that. A. Uh-huh. Q. Have you ever seen this before? It's a document titled Affidavit of Warren Hammond, with a signature on the last pag and the date of January 26th, 2005. I'll give you a chance in a second to look at the substance of it, but is this a document you've seen before? Is that your signature on the last page? A. Yes. Q. Okay.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you know how to spell that? A. C-a-r-u-c-o, Caruco. Q. Okay. And they do what at National Archives? A. They're Archives aides, I would say. Q. Okay. And you mentioned it to them for what reason and what did they say? A. I can't remember. I can't recall. Q. We A. They didn't say anything negative or positive, or detrimental, if I can use that terminology. Q. Mr. Hammond, I don't really understand why you brought up their names. You said you mentioned what to them, that you were coming here? A. Yeah, that I had to come here. Q. Why did you mention it to them? A. The reason why I did because I, you	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Uh-huh. Being off that day? Q. I'm going to show you A. I'm trying to think. Q. I'm going to show you what's been marked what I'm going to have marked as Exhibit A?  (Exhibit A marked for identification.) BY MR. SULLIVAN: Q. If you could take a look at that. A. Uh-huh. Q. Have you ever seen this before? It's a document titled Affidavit of Warren Hammond, with a signature on the last pagand the date of January 26th, 2005. I'll give you a chance in a second to look at the substance of it, but is this a document you've seen before? Is that your signature on the last page? A. Yes.

6 (Pages 18 to 21)

	Page 22		Page 24
1	markings on the first page, is that your	1	comes back to you during the course of the
2	handwriting on the first page? And are those your	2	deposition
3	initials on the first page at the bottom left	3	A. Uh-huh.
4	right-hand corner?	4	Q please let me know.
5	A. Yes.	5	A. Okay.
6	Q. Do you remember signing this	6	Q. Now, had you left a message for
7	document?	7	Mr. Murray at any time that week on his cell phone
8	A. Yes, I do.	8	or his home phone?
9	Q. Okay. And did you have a chance to	9	A. I called I called him, I think,
10	review it before you signed it?	10	either the day that he was, the last day I saw
11	A. Yes, I did.	11	him. Which was the day after he was terminated,
12	Q. Okay. And are your initials on each	12	and I had called him and I didn't get an answer.
13	page?	13	But I had asked him how was he doing, I was
14	A. Yes, sir.	14	checking up on him to see how he was doing.
15	Q. Okay. Directing you to Page 3	15	Q. When you say "the day he was
16	A. Uh-huh.	16	terminated," you mean the day he was placed on
17	Q. There's a question, "did anyone in	17	administrative leave?
18	your office tell you on September 22, 2004 that	18	A. I think so, yeah.
19	Mr. Murray had called you about going out to lunch		Q. Okay. So that was before this date,
	that day, if so, what were you told." And the	20	September 22nd, 2004, when he came in his car to
20	answer that you gave "I got a message from	21	the work site? You're talking about
21	·		A. I believe so, yeah.
22	Ms. Adams that Mr. Murray was going to come and		•
23	see me. However, I was working the stacks and did not get the message until later." Is it still	24	Q. Okay. A. Yes.
24	not get the message until later. Is it still	24	A. 165.
	Page 23		Page 25
1	your position that you weren't working that day?	1	Q. But in this in this same week
2	A. I'm mixing the days up. I'm trying	2	period, about
3	to answer this as honestly as I can. I don't know	3	A. Uh-huh.
4	if I was I think I was out half a day, I'm not	4	Q the week before, some time during
5	really sure.	5	the week before?
6	Q. Do you recall any	6	A. You mean, did I talk to him then?
7	A. Not really sure.	7	Q. Did you leave a message for him
8	Q interactions with anybody at the	8	in at some point it was
9	workplace on that date?	9	A. Uh-huh.
10	A. No. I can't not that I can	10	Q before are you saying you left
11	recollect.	11	a message for him on his phone before the date
12	Q. So you may	12	that he came in his car to the parking lot?
13	A. No, sir.	13	A. I think it was yeah. I think it
14	Q you may have been working at the	14	was the day before.
15	Federal Records Center that day?	15	Q. Okay.
16	A. Uh-huh. It might	16	A. Yes, sir.
17	Q. You just can't	17	Q. Do you remember what you said in
18	A have been half a day. I can't	18	your message to him? Did you speak to him
19	remember, that's what I'm saying. My mind is, you		directly or did you leave a message?
20	know I can't remember way back that far but I'm		A. On his answering service. I didn't
	almost positive I worked half-a-day that day. I	21	speak to him directly
21	might have said I was off the whole day, but I'm	21	·
22	not I'm not sure.	23	Q. Okay. A I don't think.
23		23	A I don't think. Q. Do you remember what message you
7/1	Q. All right. Well, if your memory	Z4	C. DU VOILTEMENDEL WHAT MESSARE VOI
24			Q. 20 you remonst or

7 (Pages 22 to 25)

		<del>                                     </del>		
	Page 26			Page 28
1	left?	1	Q.	Okay. Okay.
2	A. I just called to see how he was	2	Α.	I'm not really sure. I'm trying to
3	doing. Said I'm just calling just so you keep	3		er way back then. My mind is kind of
4	your head up.	4	cloudy.	
5	Q. Okay.	5	Q.	But you do remember at some point
6	A. And that was it.	6		he message
7	Q. And your concern was because of	7	Α.	Yes.
8	what?	8	Q.	and talking to someone about it?
9	A. Because, you know, because of what	9	A.	Uh-huh.
10	he was going through.	10	Q.	Do you remember who you talked to
11	Q. Based on being put on	11	about it?	
12	administrative	12	Α.	No. That's what I don't know.
13	A. Yes.	13	Q.	Okay.
14	Q leave?	14	Α.	Uh-huh. It might have been the
15	A. Yes. Uh-huh.	15		nist, you know, but I can't be sure of
16	Q. Did you later learn at any time that	16	that.	
17	he had called the Federal Records Center workplace	į.	Q.	What did the person tell you?
18	looking for you, inquiring for you?	18	Α.	That he was trying to get in touch
19	A. I was told that he had called, but,	19	with me.	
20	as I said, I didn't receive the call personally,	20	Q.	Okay. And nothing
21	no.	21	A.	That's all.
22	Q. Okay. When were you told that?	22	Q.	more?
23	A. I think the same day he called or	23	Α.	Nothing more.
24	the day after he called, I'm not sure.	24	Q.	Were you surprised that he had com-
-		-	<del></del>	
١.	Page 27	١.	•	Page 29
1	Q. Okay. Do you know who told you			rkplace while on administrative leave to
2	that?	2	look for y	
3	A. No.	3		No. I didn't even I didn't think
4	Q. Okay. Did anybody ever page you, to	4		dn't think anything about it.
5	your recollection, in the workplace to let you	5	_	Okay. Is it common at the Federal
6	know that there was a call or Mr. Murray had	6		Center for cars to park right up there in
7 8	called for you and was looking for you?	7		right near the door and wait for
	A. I was only a message that said	8	people?	37
9 10	well, I had got a message, I don't know whether it was I'm assuming it was by phone that he, you	ł .	A.	Yes.
11	know, he was trying to call me or something like,	10	_	Okay.
12				Uh-huh.
13	you know, but, like I said, so far back I can't really remember. I think I did talk to someone;	12		Does that happen every day? All the time.
	but, like I said, I don't know who that person	13		
14   15		14	-	Okay. And how many feet is that
	Was.	15	_	ere cars park from the door?
16	Q. Is there a system in place at the	16		Oh, boy, let me see, maybe 10 feet,
17	Federal Records Center for pages to be announced			omething like that.
18 19	over a speaker system?  A. Yes.	18		Okay. Had you heard rumors about
		19		happened on that date, or what was
20	Q. Okay. Do you recall any kind of	20	_	have happened on that date when
21	page by a speaker for you regarding Mr. Murray	21		ay came to the workplace?
22	calling you?	22		I didn't hear anything. I just
23	A. I think so. I'm not I'm not	23	-	th my work.
24	really sure.	24	Q.	Did anybody tell you that Mr. Murray

8 (Pages 26 to 29)

١.	Page 30	,	Page 32  Q. And that would have been four months
1	had made any comments to the security guard that	1 2	Q. And that would have been four months after the incident, correct?
2	day?	3	A. I believe so.
3	A. There was talk of it, but nobody	4	Q. Would the incident have been fresher
4	came to me, talked to me talked directly to me,		in your mind at the time you gave this statement,
5	though.	5	•
6	Q. Who was talking about it?	6	than it is now?  A. I don't think so, no.
7	A. Everybody. I mean, you know, there	7	
8	was, you know, there was just I it was a lot	8	· · · · · · · · · · · · · · · · · · ·
9	of people talking about it. But I don't know who	9	think that the statements that you gave in January
10	the people were. I can't I can't really say.	10	2005 better represent what happened to you and
11	I don't want to say this person said and that	11	what you knew in September of 2004 than your
12	person said, I just heard rumors that was	12	current memory?
13	circulating around.	13	A. Other than what I just told you,
14	Q. What rumors did you hear?	14	that's all.
15	A. That he that, you know, Darryl	15	Q. Did you make this statement that, "I
16	came to the job. You know, and they were talking	16	got a message from Ms. Adams that Mr. Murray wa
17	about what had happened and everything, but you	17	going to come to see me, however, I was working
18	know, just everybody just generally talking, you	18	the stacks and did not get the message until
19	know. I mean, like I said, I didn't say, at that	19	later."
20	time I was working and, you know, as a rule, you	20	A. I'm trying to remember, I'm trying
21	know, when I come to work I just come there and do		to go if she was at the front desk, then
22	my work. I don't usually get involved in, you	22	chances are that I did.
23	know, a lot of hearsay that goes on in there. I	23	Q. Is that why this statement that
24	just come and do my job.	24	you've given says that?
	Page 31		Page 33
1	Q. Were there any rumors that you heard	1	A. It does that's what it says. I
2	about the content of what Mr. Murray said?	2	got a message from Ms. Adams that Mr. Murray wa
3	A. As to what? What did he say?	3	coming to see me. Right.
4	Q. Comments that he made about anything	4	Q. So this written statement is
5	to the security guard?	5	accurate?
6	A. Not that I know of, no.	6	A. Yes, sir. Uh-huh.
7	Q. You didn't hear anything like that?	7	Q. Okay. All right. So you got a
8	A. No, uh-uh. Understand, that's, you	8	message from
9	know, I'm trying to get this gather all this in	9	A. All right.
10	my mind. It's been, you know, a while back.	10	Q Ms. Adams, and Ms. Adams is what,
11	Q. Now, in your statement that I've	11	the receptionist?
12	shown you in Exhibit A	12	A. At the time she was.
13	A. Uh-huh.	13	Q. Okay.
		14	A. I'm just trying to remember. I'm
14	Q you say you got a message from	14	
	` ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '		trying, like I said, to be as forthright as I
15	Ms. Adams. Is it possible you got a message from		trying, like I said, to be as forthright as I possibly can.
15 16	Ms. Adams. Is it possible you got a message from Vanessa Adams that Mr. Murray had called?	15	
15 16 17	Ms. Adams. Is it possible you got a message from Vanessa Adams that Mr. Murray had called?  A. It might have been her. I'm not	15 16	possibly can.
15 16 17 18	Ms. Adams. Is it possible you got a message from Vanessa Adams that Mr. Murray had called?  A. It might have been her. I'm not really sure.	115 16 17 18	possibly can.  Q. Sure. Sure. A. You will have to understand, I'm
15 16 17 18 19	Ms. Adams. Is it possible you got a message from Vanessa Adams that Mr. Murray had called?  A. It might have been her. I'm not really sure.  Q. Okay.	115 16 17 18 19	possibly can. Q. Sure. Sure. A. You will have to understand, I'm trying to remember way back then.
15 16 17 18 19 20	Ms. Adams. Is it possible you got a message from Vanessa Adams that Mr. Murray had called?  A. It might have been her. I'm not really sure.  Q. Okay.  A. If she was at the front desk, then I	15 16 17 18 19 20	possibly can.  Q. Sure. Sure. A. You will have to understand, I'm
15 16 17 18 19 20 21	Ms. Adams. Is it possible you got a message from Vanessa Adams that Mr. Murray had called?  A. It might have been her. I'm not really sure.  Q. Okay.  A. If she was at the front desk, then I probably did.	115 16 17 18 19	possibly can.  Q. Sure. Sure. A. You will have to understand, I'm trying to remember way back then. Q. Right. And what I'm saying A. It's hard.
15 16 17 18 19 20 21 22	Ms. Adams. Is it possible you got a message from Vanessa Adams that Mr. Murray had called?  A. It might have been her. I'm not really sure.  Q. Okay.  A. If she was at the front desk, then I probably did.  Q. This statement that you gave was in	15 16 17 18 19 20 21 22	possibly can.  Q. Sure. Sure.  A. You will have to understand, I'm trying to remember way back then.  Q. Right. And what I'm saying
15 16 17 18 19 20 21	Ms. Adams. Is it possible you got a message from Vanessa Adams that Mr. Murray had called?  A. It might have been her. I'm not really sure.  Q. Okay.  A. If she was at the front desk, then I probably did.	115 16 17 18 19 20 21	possibly can.  Q. Sure. Sure. A. You will have to understand, I'm trying to remember way back then. Q. Right. And what I'm saying A. It's hard. Q. What I'm saying, is this

9 (Pages 30 to 33)

1		Γ	
١.	Page 34	١.	Page 36
	Q is closer to the time of the	1	A. I don't think so, no.
2	incident.	2	Q. Are you absolutely sure?
3	A. Yes.	3	A. Yes, sir.
4	Q. Wouldn't this statement better if	4	Q. Okay. So you haven't spoken to him
5	you're having trouble remembering the incident	5	since September 22, 2004, other than today?
6	now, wouldn't this be a better embodiment of you		A. Yes. I haven't talked to him since
7	memory because it's closer to the time?	7	then. Uh-huh.
8	A. Uh-huh.	8	Q. Have you ever talked to Irene Jones
9	Q. Would you say yes?	9	about any of the events regarding Mr. Murray or
10	A. Yes.	10	about Mr. Murray since September 22, 2004?
11	Q. Okay. All right. Well, Ms. Adams	11	A. I've talked to her see if I can
12	has written that she paged you about three times	12	get my memory together. I'm trying to say I think
13	that day and didn't get an answer. But you don't	13	that the day I talked to her I talked I was
14	remember anything about that, correct?	14	called into the office, and John McElroy, who is
15	A. When I when she called me, I went	15	the director, and he had asked I think he had
16	up and, you know, I didn't I didn't get a	16	asked me again, I don't know the dates. It
17	chance to speak to Darryl, on the phone or even in	•	might have been around that same time, if I had
18	the stacks, for that matter. But I do I do	18	talked to you and I said yes, I have.
19	recall going up to the front, if I can remember	19	Q. I'm sorry, I didn't follow you
20	that back then, that he had called. He had tried	20	there.
21	to reach me.	21	A. No.
22	Q. Okay.	22	Q. I was asking about Irene Jones and
23	A. And he couldn't.	23	you were saying what? Could you restate your
24	Q. Okay.	24	answer.
i i			
	Page 35		Page 37
1	A. Uh-huh.	1	A. No, I was before I had mentioned
2	<ul><li>A. Uh-huh.</li><li>Q. So she Ms. Adams has stated that</li></ul>	2	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had
2 3	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after	2 3	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I
2 3 4	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had	2 3 4	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I
2 3 4 5	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had called for you. And she told you it was	2 3 4 5	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I had got in touch if I had talked to Darryl.
2 3 4 5 6	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had called for you. And she told you it was Mr. Murray but he left. She says that you said	2 3 4 5 6	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I had got in touch if I had talked to Darryl. And I told him I called him, yeah, to see how he
2 3 4 5 6 7	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had called for you. And she told you it was Mr. Murray but he left. She says that you said you would call Mr. Murray at home.	2 3 4 5 6 7	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I had got in touch if I had talked to Darryl. And I told him I called him, yeah, to see how he was doing because he's a friend.
2 3 4 5 6 7 8	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had called for you. And she told you it was Mr. Murray but he left. She says that you said you would call Mr. Murray at home. A. Uh-huh.	2 3 4 5 6 7 8	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I had got in touch if I had talked to Darryl. And I told him I called him, yeah, to see how he was doing because he's a friend.  Q. When was that, at the same time
2 3 4 5 6 7 8 9	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had called for you. And she told you it was Mr. Murray but he left. She says that you said you would call Mr. Murray at home. A. Uh-huh. Q. Did you call him at home?	2 3 4 5 6 7 8 9	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I had got in touch if I had talked to Darryl. And I told him I called him, yeah, to see how he was doing because he's a friend.  Q. When was that, at the same time A. At the same time.
2 3 4 5 6 7 8 9 10	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had called for you. And she told you it was Mr. Murray but he left. She says that you said you would call Mr. Murray at home. A. Uh-huh. Q. Did you call him at home? A. I talked, but I don't know if it was	2 3 4 5 6 7 8 9	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I had got in touch if I had talked to Darryl. And I told him I called him, yeah, to see how he was doing because he's a friend.  Q. When was that, at the same time A. At the same time.  Q 2004?
2 3 4 5 6 7 8 9 10	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had called for you. And she told you it was Mr. Murray but he left. She says that you said you would call Mr. Murray at home. A. Uh-huh. Q. Did you call him at home? A. I talked, but I don't know if it was that day. I'm not sure if it was that day, but I	2 3 4 5 6 7 8 9 10	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I had got in touch if I had talked to Darryl.  And I told him I called him, yeah, to see how he was doing because he's a friend.  Q. When was that, at the same time A. At the same time. Q 2004? A. It was around yeah, I don't
2 3 4 5 6 7 8 9 10 11 12	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had called for you. And she told you it was Mr. Murray but he left. She says that you said you would call Mr. Murray at home. A. Uh-huh. Q. Did you call him at home? A. I talked, but I don't know if it was that day. I'm not sure if it was that day, but I know I did I did try to reach him on the phone.	2 3 4 5 6 7 8 9 10 11	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I had got in touch if I had talked to Darryl.  And I told him I called him, yeah, to see how he was doing because he's a friend.  Q. When was that, at the same time A. At the same time. Q 2004? A. It was around yeah, I don't like I said, I don't know the date, though.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Uh-huh. Q. So she Ms. Adams has stated that you came to the front desk about a half-hour after Mr. Murray was up front and you asked her who had called for you. And she told you it was Mr. Murray but he left. She says that you said you would call Mr. Murray at home. A. Uh-huh. Q. Did you call him at home? A. I talked, but I don't know if it was that day. I'm not sure if it was that day, but I know I did I did try to reach him on the phone. Q. Okay. A. But, like I said, I didn't get to talk to a live voice. If I talked to anything, I called I talked to his answering service. Q. You left a message? A. Yes. Q. Do you recall what message you left? A. Again, just to see how he was doing. Q. Okay. A. Yeah.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No, I was before I had mentioned to I had mentioned to Irene Jones that I had to that I had talked with John McElroy and I was called into his office. He had asked me if I had got in touch if I had talked to Darryl.  And I told him I called him, yeah, to see how he was doing because he's a friend.  Q. When was that, at the same time A. At the same time.  Q 2004?  A. It was around yeah, I don't like I said, I don't know the date, though.  Q. Okay.  A. But it was around the same time.  Q. So what was your the extent of your conversation with Irene Jones?  A. That I had to talk to that I had to talk to John McElroy.  Q. Have you talked to Irene Jones did you talk to her at that time in any more extensive way or have you spoken to her since about

10 (Pages 34 to 37)

1			
1	Page 38 John McElroy, that was it.	1	Page 40 Q. You
2	Q. You had	2	A. I didn't see anything.
3	A. That was the extent of the 1	3	Q. You had a chance to go through this
4	think that was the extent of the conversation that	4	statement after it was typewritten and make
5	I had with her.	5	changes, correct?
6	Q. And you haven't spoken to Ms. Jones	6	A. Uh-huh.
7	about Mr. Murray since September 22, 2004, apar		Q. Correct?
8	from that?	8	A. Yes, sir.
9	A. I don't think so, no.	9	Q. Okay.
10	Q. Okay.	10	A. I'm concerned with that one.
11	A. Honestly honestly speaking, I	11	Q. Did you see any of his postings?
12	don't think so.	12	A. I seen postings on there, but I
13	Q. Are you aware of Mr. Murray being in	13	didn't stop and read them.
14	touch with any of your coworkers since	14	Q. Okay. You never stopped and read
15	September 22nd	15	any of his postings?
16	A. No.	16	A. No.
17	Q 2004?	17	
18	A. I don't, no. Uh-uh.	18	Q. Okay. A. Uh-uh.
19	•	19	Q. Okay. You go on in your next answer
20	Q. Okay. If you could turn to Page 2 of your affidavit.	20	there's a question "are you aware of any others
21	A. Uh-huh.	21	who were offended by the things Mr. Murray wrote"
22		22	and you state "I believe there were others who
23	Q. There is a question about postings that Mr. Murray had in his work space.	23	were upset, but I never talked to anyone
24	A. Uh-huh.	24	personally or had them come to me about this."
24	A. Oli-liuli.	24	personally of had them come to me about this.
	Page 39		
			Page 41
1	Q. And your response you state "I think	1	Page 41 Did you learn through the grapevine in any way
1 2		1 2	Did you learn through the grapevine in any way
	Q. And your response you state "I think		Did you learn through the grapevine in any way
2	Q. And your response you state "I think some of the things on his wall might have been	2	Did you learn through the grapevine in any way about any particular person who was upset by any
2 3	Q. And your response you state "I think some of the things on his wall might have been offensive to others but I was not concerned about	2 3	Did you learn through the grapevine in any way about any particular person who was upset by any posting that he made?
2 3 4	Q. And your response you state "I think some of the things on his wall might have been offensive to others but I was not concerned about what I saw. I only glanced briefly at what was	2 3 4 5	Did you learn through the grapevine in any way about any particular person who was upset by any posting that he made?  A. Uh-huh. No, not anyone particular
2 3 4 5	Q. And your response you state "I think some of the things on his wall might have been offensive to others but I was not concerned about what I saw. I only glanced briefly at what was there and did not take the time to look closely."	2 3 4 5	Did you learn through the grapevine in any way about any particular person who was upset by any posting that he made?  A. Uh-huh. No, not anyone particular person, no.
2 3 4 5 6	Q. And your response you state "I think some of the things on his wall might have been offensive to others but I was not concerned about what I saw. I only glanced briefly at what was there and did not take the time to look closely."  Now, when you say "I think that some of the things	2 3 4 5 6	Did you learn through the grapevine in any way about any particular person who was upset by any posting that he made?  A. Uh-huh. No, not anyone particular person, no.  Q. You never heard about anybody being
2 3 4 5 6 7 8 9	Q. And your response you state "I think some of the things on his wall might have been offensive to others but I was not concerned about what I saw. I only glanced briefly at what was there and did not take the time to look closely."  Now, when you say "I think that some of the things on the wall might have been offensive to others," what do you mean?  A. You're on Page 2?	2 3 4 5 6 7	Did you learn through the grapevine in any way about any particular person who was upset by any posting that he made?  A. Uh-huh. No, not anyone particular person, no.  Q. You never heard about anybody being upset about any posting?  A. Not this. I didn't hear anything.  Can I is it okay if I interject something here?
2 3 4 5 6 7 8	Q. And your response you state "I think some of the things on his wall might have been offensive to others but I was not concerned about what I saw. I only glanced briefly at what was there and did not take the time to look closely."  Now, when you say "I think that some of the things on the wall might have been offensive to others," what do you mean?  A. You're on Page 2?  Q. Page 2, yes. I can show you where,	2 3 4 5 6 7 8	Did you learn through the grapevine in any way about any particular person who was upset by any posting that he made?  A. Uh-huh. No, not anyone particular person, no.  Q. You never heard about anybody being upset about any posting?  A. Not this. I didn't hear anything.
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Page 42 Page 44 order to keep your job, you know. And, you know, 1 1 postings? it's -- it was -- it's -- like I said, it's 2 2 Well, I mean, you know, just not 3 tension that has been building since I've been 3 reading -- not reading them, but understanding 4 there, okay. And I, myself, almost got 4 that, you know, why some of the posters were put terminated, you know, because of my work not being 5 5 up there, you know, in his mind, you know. It up to par and also I was -- I was -- I had injured 6 was -- it was like, you know, he was reaching out 7 myself on the job, you know. I mean, I know it's 7 for somebody to understand what he's going unrelated to the situation, but I'm just telling 8 through. That's determine -- that's the reason 9 you the aura of that place. 9 why -- like I said again, I didn't read a lot of 10 O. Uh-huh. 10 the Post-its -- the Post-its on the desk because, 11 A. And the structure of it. 11 you know, it was in passing. You know, I had went 12 You're telling me that for a reason, 12 passed, you know -- you know, to go to my work 13 presumably. How do you think that what you just site or what have you. 13 14 said helps me to understand Mr. Murray's postings? 14 Q. Okay. 15 A. Uh-huh. Well, he's been there for a 15 That's the only time that I saw A. 16 long time. He's been there for a long time, and a those Post-its -- the Post-its that were up 16 17 low grade level --17 there --18 Q. Uh-huh. 18 Q. So how --19 -- with a daughter in college, with 19 A. -- to the best of my recollection. 20 responsibilities of owning a home, just getting a 20 How did you arrive -- if you didn't 21 car, all those are big responsibilities. 21 read the Post-its, how did you arrive at your 22 Uh-huh. 22 Q. understanding of what those postings were about? 23 A. And I, as a coworker and as a friend 23 You mentioned racial issues, family issues? on that job, you know, felt that he was being 24 I'm just perceiving what I saw on Page 43 Page 45 mistreated that way. 1 there. You know, like I said, I didn't get to see 1 2 Q. By whom? 2 them, read them personally, you know. But, like I 3 A. Okay. By management. But --3 said, I think they were -- they were -- they were 4 Q. In what way? 4 beliefs that he had, you know, that he was being 5 5 A. You know, well not -- well, I mean, mistreated. That's the only thing I saw on there. 6 he works hard and just didn't -- I think give him 6 I didn't see anything in there that was, you know, 7 his just due, you know. Treat him fairly as far 7 detrimental to either threaten somebody. 8 8 as his promotion is concerned, you know, or But you said -- the thing that I 9 promotions, or even step increases. 9 don't understand is, you say you didn't see them. 10 Does all of that have any 10 You didn't -- I mean, you didn't read any of them. 11 relationship in your view to the postings? 11 So how do you have any understanding or any basis 12 It's -- I would say -- when I want 12 for perception as to what the postings were about? 13 to -- going back to now I see, when I say -- want 13 A. I'm just using that as perception, to say is that some of the wall things might have 14 what I, you know, what I -- like I said, I didn't been offensive to others, you know, I think 15 15 see them. 16 he's -- he's just stating how he felt. 16 Q. Were you guessing at what they were 17 O. About coworkers? probably about, is that what you're saying? 17 18 Α. About the treatment, mistreatment, 18 A. Yes, uh-huh. 19 you know, of not only him but black Americans on 19 Q. Okay. 20 that job. 20 A. In my mind, that's all. 21 Did you -- were you aware of some 21 Q. Okay. 22 statements that were directed at coworkers? By 22 A. Yeah. Because I basically, I just, 23 the way, you said you never read the postings, 23 you know, basically did my job. But as a

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friend -- as a friend, you know, I just felt that

right? So how do you know what was in the

1				
2 Can I - 2 3 had characterizations of the coworkers as to two legged cockroaches or worthless losers, 5 nothing-ass employees, would that have bothered 6 you in any way?  7 A. No.  8 Q. Okay. Do you think that was apropriate?  10 A. I didn't think anything about it, I didn't think anything of it.  12 Q. Would those, in your view, be 13 disparaging of coworkers if they were directed at 14 coworkers?  13 C. Did you recall any issues or 18 incidents between Mr. Murray and, again, forgive 19 the pronunciation - I believe it's 19 the pronunciation - the last deposition I was 10 told the correct pronunciation - I believe it's 11 Hongdiep, Hong				Page 48
3	1		1	A. I'm trying to remember names that
4 legged cockroaches or worthless losers, 5 nothing-ass employees, would that have bothered 6 you in any way? 7 A. No. 6 Q. Okay. Do you think that was appropriate? 8 Q. Okay. Do you think that was appropriate? 9 A. I didn't think anything about it, 1 didn't think anything of it. 12 Q. Would those, in your view, be 13 disparaging of coworkers if they were directed at 14 coworkers? 15 A. I would say in some instances, but 16 not all instances. 16 D Did you recall any issues or 18 incidents between Mr. Murray and, again, forgive 19 the pronunciation — 1 believe it's 21 Hongdiep, Ho	2	Q. If there were postings there that	2	can I
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6 you in any way? 7 A. No. 8 Q. Okay. Do you think that was 9 appropriate? 10 A. I didn't think anything about it, I 11 didn't think anything of it. 11 didn't think anything of it. 12 Q. Would those, in your view, be 13 disparaging of coworkers if they were directed at 14 coworkers? 15 A. I would say in some instances, but 16 not all instances. 16 D Did you recall any issues or 18 incidents between Mr. Murray and, again, forgive 19 the pronunciation — the last deposition I was 19 told the correct pronunciation — the lieve it's 21 Hongdiep, Ho-p-p-d-i-e-p, 22 A. Did he — did he have rum-ins with 3 him? 24 Q. Or any issues, concerns about him, 25 A. That's my honest answer. I don't 6 know. 26 Q. Did Mr. Murray ever complain to you about coworkers putting trash or other objects on 19 his desk or removing items from his desk? 10 Q. Do you remember what those were? 11 Q. Do you remember what those were? 12 A. I don't know what kind of papers they were. 13 don't know what kind of papers they were. 14 Q. Do you remember what those were? 15 A. That's my honest answer. I don't Q. Do you remember what those were? 16 A. I don't know what hey were. 17 Q. Do you remember what those were? 18 A. He had issues, but I don't recall what they were. 19 A. A bout the things that were on his desk, I'm trying to remember, when down or wanted them down own or wanted them down on own think of. 19 Q. Did you remember what things that were on his desk but in think anything about it, I 10 Q. Do you remember what those were? 11 A. Daryl. 12 Q. Okay. 13 A. About the things that were on his desk, I'm trying to remember his was on the down own or wanted them down own or wanted them down own or wanted them down of something, you know. I think that's, you know. 14 A. — at that incident, that's the only person I can think of. 15 Q. Do you remember any, beyond what you sort of hinted at there, do you remember any, beyond what you sort of hinted at ther	4	legged cockroaches or worthless losers,	4	A. Oh, yeah. Hongdiep, I understand he
7 A. No. 8 Q. Okay. Do you think that was 9 appropriate? 10 A. I didn't think anything about it, I 11 didn't think anything of it. 12 Q. Would those, in your view, be 13 disparaging of coworkers if they were directed at 14 coworkers? 15 A. I would say in some instances, but 16 not all instances. 17 Q. Did you recall any issues or 18 incidents between Mr. Murray and, again, forgivel 19 the pronunciation — the last deposition I was 10 told the correct pronunciation — I believe it's 21 Hongdiep, Hongdiep, Ho-n-g-d-i-e-p. 22 A. Did he — did he have run-ins with 24 Q. Or any issues, concerns about him, 25 A. He had issues, but I don't recall 26 what they were. 27 A. He had issues, but I don't recall 37 A. About the things that were on his 48 Q. Okay. 49 A. About the things that were on his 40 desk, I'm trying to remember, Mitch Buffone or 41 somebody took them down or usemether mown of 42 Something, you know. I think that's, you know, 40 Uh-huh. 40 Do you remember any other 41 to your knowledge? 41 to your knowledge? 42 A. He had issues, but I don't recall 43 what they were. 44 Q. Or any issues, concerns about him, 45 A. That's my honest answer. I don't 46 know. 47 Q. Did Mr. Murray ever complain to you 48 about coworkers putting trash or other objects on 48 his desk or removing items from his desk? 49 Q. Okay. 40 A. Wes, uh-huh. 41 to your knowledge? 41 to your knowledge? 42 A. I don't know what throy were. 43 Q. Or you remember what those were? 44 Q. Do you remember what those were? 45 A. I don't know what kind of papers they were. 46 Q. Do you remember shack then, you have to bear 47 With me. 48 Q. Do you remember back then, you have to bear 49 With me. 40 MR. MURRAY: Change the form and 41 maybe give him some names, he might recall it, it did not know hat didn't like the — like 40 With me. 41 A. I don't know. I don't know — 42 A. I don't know what they were. 43 Q. With who? 44 A. He wanted them down. 45 He took them down, I don't know. I don't know hat didn't like the missues or incidents between Mr. Murray was	5	nothing-ass employees, would that have bothered	1 5	had run-ins, but I don't issues, but
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10   didn't think anything about it, 1   11   didn't think anything of it.   12   2   Q. Would those, in your view, be   13   disparaging of coworkers if they were directed at   14   coworkers?   15   A. I would say in some instances, but   16   not all instances.   17   Q. Did you recall any issues or   18   incidents between Mr. Murray and, again, forgive   19   the pronunciation - I believe it's   16   the correct pronunciation - I believe it's   16   think   17   don't know what they were.   10   Q. Doy or member what they were.   10   Q. Doy on think   18   Q. Doy on the mode of the waste of the work what kind of papers they were.   10   Q. Doy on the mode of the work what kind of papers they were.   14   Q. Doy on the mode of the pronunciation - I believe it's   16   A. That's my honest answer. I don't   16   Q. Doy on the mode of the work of the waste on the desk. I my trying to remember, Mitch Buffone or somebody took them down or wanted them down of somebody took them down or wanted them down of where when they were when you talk about issues with other people -   12   22   A at that incident, that's the only person I can think of.   16   Q. Doy ou remember any, beyond what you sort of hinted at there, do you remember any other issues or incidents between Mr. Murray and   20   Mr. Buffone?   21   A. No, no, other than it was   22   Well, they had issues, but I can't specify what they were.   1   10   Q. Doy ou remember what hose were?   1   10   Q. Doy ou remember what those were?   1   10   Q. Doy ou remember what those were?   1   Q. Doy ou remember what those were?   1   Q. Doy ou remember what those were?   1   Q. Doy ou remember bersisues that he had with particular coworkers?   1   Q. Doy ou remember bersisues that he had with particular coworkers?   1   Q. Doy ou remember bersisues that he had with particular coworkers?   1   Q. How doy ou   1   Q. How doy ou   1   Q. How doy ou come to know about   1   Q. Doy ou remember bersisues or incidents between Mr. Murray tell you?   1	8	Q. Okay. Do you think that was	8	Q. Okay.
10	9	appropriate?	9	A. About the things that were on his
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12    Q. Would those, in your view, be disparaging of coworkers if they were directed at coworkers?   15    A. I would say in some instances, but 16 not all instances.   16    Not all instances.   17    Q. Did you recall any issues or 18 incidents between Mr. Murray and, again, forgive 19 the pronunciation the last deposition I was 20 told the correct pronunciation I believe it's 21 Hongdiep, Hongdiep, Ho-n-g-d-i-e-p.   21    A. Did he did he have run-ins with 23 him?   22    A. Did he did he have run-ins with 23 him?   24    Q. Or any issues, concerns about him,   25    Vell, they had issues, but I can't specify what what they were.   26    A. He had issues, but I don't recall   27    Vell, they had issues, but I can't specify what took them down, I'm assuming that he did.   28    Vell, they had issues, but I don't know what whether   Vest-its that were on the desk. And as to whether   Vest-its that were on the desk. And as t	11	• •	11	· -
disparaging of coworkers if they were directed at coworkers?  A. I would say in some instances, but not all instances.  A. I would say in some instances, but not all instances.  D. Did you recall any issues or concerns about him,  Page 47 to your knowledge?  A. He had issues, but I don't recall what they were.  A. That's my honest answer. I don't know.  A. That's my honest answer. I don't know.  A. Yes, uh-huh.  D. Do you remember what those were?  A. He had issues about the stuff that was on the desk. But I'm trying to reemember hack then, you have to bear with me.  MR. MURRAY: Change the form and large was a would be better for you, the form of the question.  BY MR. SULLIVAN:  When you talk about issues with other people —  Q. Uh-huh.  A. —at that incident, that's the only person I can think of.  Q. Do you remember any, beyond what you sort of hinted at there, do you remember any other issues or incidents between Mr. Murray and sort of hinted at there, do you remember any other issues or fincidents between Mr. Murray and sort of hinted at there, do you remember any obyou sort of hinted at there, do you remember any obyou on there do you remember any obyou on there do have run-ins with sissues, but I den't sort of hinted at there, do you remember any obyou on there, do you on there any obyou on there may beyond what you sort of hinted at there, do you remember any obyou on there, and there, do you remember any obyou on there are at there, do you remember any obyou on there any obyou remember any obyou on there do have run-ins with sissues or incidents between Mr. Murray and of hinted at there, do you remember any obyou on there do have run-ins with sort of hinted at there, do you remember any obyou on the there, do you remember any obyou on the three, do you remember any obyou on the three, do you on,	i	· ·	12	
14 coworkers?  A. I would say in some instances, but 16 not all instances.  Q. Did you recall any issues or 17 Q. Did you recall any issues or 18 incidents between Mr. Murray and, again, forgive 19 the pronunciation — the last deposition I was 20 told the correct pronunciation — I believe it's 21 Hongdiep. Hongdiep, H-o-n-g-d-i-e-p. 22 A. Did he — did he have run-ins with 23 him?  24 Q. Or any issues, concerns about him,  Page 47 to your knowledge?  A. He had issues, but I don't recall 4 Q. Okay.  A. That's my honest answer. I don't 5 know.  Q. Did Mr. Murray ever complain to you a about coworkers putting trash or other objects on 5 his desk or removing items from his desk?  A. Yes, uh-huh.  Q. Do you remember what those were?  A. I don't know what kind of papers they were.  Q. Do you remember what those were?  A. He had issues about the stuff that was on the desk. But I'm trying to recall — I'm trying to remember back then, you have to bear with me.  MR. MURRAY: Change the form and 21 maybe give him some names, he might recall it, it 22 would be better for you, the form of the question. 23 Hor the didn't like the — like word and in the didn't like the — like word of hinted at there, do you remember any other issues or incidents between Mr. Murray and sort of hinted at there, do you remember any other issues or incidents between Mr. Murray and other bissues or incidents between Mr. Murray and word him, 20 Mr. Buffone?  A. No, no, other than — it was — Well, they had issues, but I can't specify what they were. But I know he didn't like some of the Post-its that were on the desk. And as to whether 24 he took them down, I don't know he didn't like some of the desk. And as to whether 25 he took them down, I'm assuming that he did.  A. He wanted them down.  Q. Mr. — 4 He took them down, I don't know. I don't know hat the did.  A. He wanted them down.  Q. A. He wanted them down.  Q. A. He wanted them down.  Q. Do you remember what those were?  Q. Do you remember what those were?  A. I don't know what kind of papers t		· · ·		
15 A. I would say in some instances, but 16 not all instances. 16 not all instances. 17 Q. Did you recall any issues or 18 incidents between Mr. Murray and, again, forgive 19 the pronunciation the last deposition I was 20 told the correct pronunciation I believe it's 21 Hongdiep. Ho-n-g-d-i-e-p. 22 A. Did he did he have run-ins with 23 him? 24 Q. Or any issues, concerns about him, 25 depth 26 A. He had issues, but I don't recall 27 A. He had issues, but I don't recall 28 with y were. 30 A. That's my honest answer. I don't 40 A. That's my honest answer. I don't 40 A. Yes, uh-huh. 31 Q. Do you remember what those were? 32 A. I don't know what kind of papers they were. 33 Q. Doyou remember when that was? Was 34 A. He had issues about the stuff that 35 with me. 36 MR. MURRAY: Change the form and 36 maybe give him some names, he might recall it, it 20 would be better for you, the form of the question. 36 MR. Sulfal Mr. Buffone? 36 MR. Darryl. 37 A. Darryl. 38 MR. SULLIVAN: 38 A. Darryl. 39 MR. SULLIVAN: 39 Okay. 40 A. Darryl. 39 MR. SULLIVAN: 39 Okay. 40 A. Darryl. 30 Okay. 41 A. He had iskues about the form of the question. 30 Okay. 42 A. He had issues about the form of the question. 30 Okay. 44 A. He had issues about the stuff that 37 Was on the desk. But I'm trying to recall I'm 37 trying to remember back then, you have to bear 39 with me. 30 Okay. 30 Okay. 30 Okay. 31 Had talked with him. 32 Okay. 34 Okay. 35 Okay. 35 Okay. 36 Okay. 36 Okay. 37 Okay. 38 Okay. 39 Okay. 39 Okay. 39 Okay. 39 Okay. 39 Okay. 30				• •
16 not all instances.  Q. Did you recall any issues or 18 incidents between Mr. Murray and, again, forgive 19 the pronunciation — the last deposition I was 20 told the correct pronunciation — I believe it's 21 Hongdiep, Ho-n-g-d-i-e-p. 22 A. Did he — did he have run-ins with 23 him? 24 Q. Or any issues, concerns about him, 25 Well, they had issues, but I can't specify what 26 they were. But I know he didn't like some of the 27 Page 47 to your knowledge? A. He had issues, but I don't recall 3 what they were. 4 Q. Okay. 4 A. He wanted them down, I don't know what with your expension in the desk. And as to whether 26 who was about coworkers putting trash or other objects on his desk or removing items from his desk? A. I don't know what kind of papers they were. 1 don't know of work of the desk. But I'm trying to recall — I'm trying to remember back then, you have to bear with me. 2 don't know	1		1	•
Q. Did you recall any issues or incidents between Mr. Murray and, again, forgive the pronunciation the last deposition I was to told the correct pronunciation I believe it's thongdiep, H-o-n-g-d-i-e-p. Hongdiep. Hongdiep, H-o-n-g-d-i-e-p. A. Did he did he have run-ins with him?  Or any issues, concerns about him,  Page 47  to your knowledge? A. He had issues, but I don't recall what they were.  A. He had issues, but I don't recall what they were.  A. That's my honest answer. I don't know.  Q. Did Mr. Murray ever complain to you about coworkers putting trash or other objects on his desk or removing items from his desk? A. Thon't know what those were? A. I don't know what they were. I don't know what those were? A. J. don't know what they were. I don't know what those were? A. He had issues about the stuff that was on the desk. But I m trying to remember back then, you have to bear with me.  MR. MURRAY: Change the form and maybe give him some names, he might recall it, it would be better for you, the form of the question.  A. Wes, What did Mr. Buffone?  A. No, no, other than it was Well, they had issues, but I can't specify what they were. But I know he dien't like some of the Post-its that were on the desk. And as to whether  Page 47  I he took them down, I don't know. I don't know  Q. Doy ou remember what those were? A. He had issues about the stuff that was on the desk. But I'm trying to recall I'm trying to remember back then, you have to bear with me.  MR. MURRAY: Change the form and maybe give him some names, he might recall it, it would be better for you, the form of the question.  MR. Buffone?  A. No, no, other than it was  Well, they had issues, but I can't swas  Well, they had issues, but		· · · · · · · · · · · · · · · · · · ·		
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Hongdiep. Hongdiep, H-o-n-g-d-i-e-p.  A. Did he did he have run-ins with him?  Q. Or any issues, concerns about him,  Page 47  to your knowledge?  A. He had issues, but I don't recall what they were.  Q. Okay.  A. That's my honest answer. I don't know.  know.  Did Mr. Murray ever complain to you about coworkers putting trash or other objects on his desk or removing items from his desk?  A. Yes, uh-huh.  Q. Do you remember what those were?  A. I don't know what tind of papers they were.  Q. Do you remember issues that he had with particular coworkers?  A. He had issues about the stuff that was on the desk. But I'm trying to recall I'm trying to remember back then, you have to bear with me.  MR. MURRAY: Change the form and tawoud be better for you, the form of the question.  A. Did he did he have run-ins with at they were. But I know he didn't like some of the Post-its that were on the desk. And as to whether  Well, they had issues, but I can't specify what they were. But I know he didn't like some of the Post-its that were on the desk. And as to whether  Page 47  I to your knowledge?  A. He had issues, but I don't recall they were. I don't know what did.  A. He wanted them down.  D. Wir. Buffone.  A. Yes.  A. Yes.  Q. Okay.  A. He wanted them down.  A. Yes.  Q. Okay.  A. J don't know what they were. I don't know what kind of papers they were.  Q. Do you remember what those were?  A. He had issues about the stuff that with particular coworkers?  A. He had issues about the stuff that trying to recall I'm  With me.  MR. MURRAY: Change the form and maybe give him some names, he might recall it, it and they were. In the tow were on the desk. And as to whether  A. He wanted them down.  D. Q. Mr. Buffone.  A. Yes.  A. Yes.  Q. Do you remember what those were?  A. I don't know. I don't know  Q. How did you come to know about the stuff that it was on the desk. But I'm trying to recall I'm  R. Buffone's issues or concerns with Mr. Murray's postings?  A. I had talked with him.  Q. Do you, And Buffone.  A.		· · · · · · · · · · · · · · · · · · ·		•
A. Did he did he have run-ins with him?  Q. Or any issues, concerns about him,  Page 47  1 to your knowledge?  A. He had issues, but I don't recall what they were.  4 Q. Okay.  5 A. That's my honest answer. I don't know.  7 Q. Did Mr. Murray ever complain to you about coworkers putting trash or other objects on his desk or removing items from his desk?  A. I don't know what kind of papers they were.  4 Q. Do you remember what those were?  A. I don't know what kind of papers they were.  4 Q. Do you remember issues that he had with particular coworkers?  A. He had issues about the stuff that was on the desk. But I'm trying to recall I'm trying to remember back then, you have to bear with me.  MR. MURRAY: Change the form and maybe give him some names, he might recall it, it would be better for you, the form of the question.  Page 47  Page 47  I they had issues, but I can't specify what they were. But I know he didn't like some of the Post-its that were on the desk. And as to whether  Page 47  I they were. But I know he didn't like some of the Post-its that were on the desk. And as to whether  Page 47  I he took them down, I don't know. I don't know I don't know what he did.  Q. Mr  4 A. He wanted them down.  5 Q. Mr. Buffone.  6 A. Mr. Buffone.  7 Q. And Buffone, is that B-u-f-f-o-n-e?  8 A. Yes.  9 Q. Okay.  1 A. Uh-huh.  1 Q. Do you remember when that was? Was it the same year that Mr. Murray was terminated?  1 A. I don't know. I don't know  1 A. But I think it was the same year.  1 A. I had talked with him.  2 Q. With who?  A. I had talked with him.  2 Q. Okay. What did Mr. Murray tell you?  2 A. That he didn't like the like		<u>-</u>	1	
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13 (Pages 46 to 49)

		Τ	
	Page 50	,	Page 52
1	together. He didn't like what was on his desk.	1	Q. And
2	And there was also some postings that Mr. Buffond	ı	A. We worked in the same department, in
3	had above his desk. And the post the postings	3	the same unit.
4	that Mr. Buffone had on his desk was they were,	4	Q. Okay. But the only person he ever
5	you know, was still there. And the fact that he	5	expressed any concern about to your memory is
6	wanted the posters off of Mr off of Daryl's	6	Mr. Buffone, right?
7	desk, you know, it was, I think I guess you	7	A. Mr. Buffone. It might have been
8	would call conflict of interest, if I can use that	8	John McElroy, you know, because I'm trying to
9	terminology.	9	get I'm trying to put this in my mind, I'm
10	Q. In your view?	10	trying to remember way back then the person or
11	A. Yeah.	11	people. Hongdiep, that's all I can remember. I
12	Q. And you learned this all through	12	can't remember anything else.
13	Mr. Murray?	13	Q. Okay. But, again, you don't
14	A. Uh-huh, yes, sir.	14	remember any particulars about Hongdiep, right?
15	Q. Did you talk to just to anybody	15	A. No. He was he was, what is it,
16	else at the workplace about that?	16	deaf, I think it was. Yeah, he was deaf. And I
17	A. No. Uh-uh. Other than I just kept	17	can't remember. I knew he had some issues with
18	it in my own mind, that's all.	18	him, but I can't if you want me to go into it,
19	Q. Did you ever hear about any issues	19	I can't. Because I can't remember back then. I
20	between Mr. Murray and Vernel Tate?	20	don't remember the issues.
21	A. No.	21	Q. Okay. Are there what you would call
22	Q. Okay.	22	cliques at the workplace?
23	A. Uh-uh.	23	A. I would say yes.
24	Q. Can you recall any issues Mr. Murray	24	Q. Okay. Are you a part of a clique?
_		-	
1	Page 51 had with any other coworkers, issues of concern to	١,	Page 53 A. No.
2	Mr. Murray?	2	Q. Was Darryl part of a clique?
3	A. No, I can't recall. Uh-uh.	3	A. No.
4	Q. Did Mr. Murray ever tell you anybody	4	Q. Was Mr. Buffone part of a clique?
5	had ever put pasta on his car or scratched his car	5	A. I think so.
6	with a key in any way?	6	Q. Okay.
7	A. Yes, he did. He did tell me.	7	A. Yes.
8	Q. Do you remember when he told you?	8	
9	A. I don't remember. It might have	9	
10	been the same year, 2000. It might have been	10	A. Him, Dwayne Wilkinson, at the time. Who else? Some other people that I can't really
11	2000.	11	say I can't recall who they were.
12	Q. Did he have any suspicions that he	12	·
13	expressed to you about who had done it?	13	
14	A. I don't think I don't recall.	14	about that clique?
15	Q. Okay. In your experience with Mr.	15	A. I don't think so, not to me
16	Murray, is he the sort of person who talks a lot		personally, that I can recall.
17		16	Q. Okay.
	about things of concern to him or not too much?	17	A. Understand I'm answering these
18	A. He is a person who talks a lot about	18	questions as honest as I can.
19	his concerns to him.	19	Q. You understand you're under oath, of
20	Q. Okay. But he never took and you	20	course?
21	were a good friend of his?	21	A. Yes, I understand that.
22	A. Uh-huh. Well, on the job. But,	22	Q. Sure.
23	like I said, I didn't do things off the job, just	23	A. I'm trying to do the best I can.
24	on the job.	24	Q. Sure. I appreciate that.

14 (Pages 50 to 53)

Page 54 Page 56 1 Mr. Murray has stated in writing that in September A. No. Just the same. 2 2 2004 he called you and asked you to notify EO Q. Okay. 3 3 counselor Sean Walker that director John McElroy Keep in mind, like I said, as I'm called staff creatures with privileges. Is that 4 4 there I don't, you know, I don't talk to people a 5 true? Did Mr. Murray call you and ask you to do 5 lot in groups. I'm basically a loner on that job. 6 You know, just come in and do my work. And I do 7 Α. I don't remember that. 7 talk to people, but I don't hang out with them. 8 Q. 8 And I don't stand there and talk with them for Okav. 9 9 A. I don't remember. long periods of time. I just come and do my job. 10 10 Q. Do you recall calling Mr. McElroy Q. Now, I know that -- so -- let me ask 11 and/or Sean Walker or anybody and discussing that? 11 you this: Did you ever hear from anybody that it 12 No. No. I don't remember. was alleged that Mr. Murray when he came to the Α. 12 13 workplace on September 22nd, 2004, had made Q. Mr. Murray goes on to say: 13 14 "Mr. Hammond indicated to me that he was being 14 threats to blow up the building? 15 watched and working in fear. I sense from our 15 A. No. conversation that Mr. Hammond was lacking courage 16 16 Q. No one ever told you that? and had lost his warrior spirit." Can you explain 17 17 There were rumors circulated but. that? Were you -- did you feel at some point you 18 18 you know, I -- nobody came to me personally and 19 were being watched and working in fear? 19 said that, you know, he was coming there to do 20 A. Only because I had befriended him on 20 anything on the job. And I --21 21 the job, that's the only reason why. And that --We're not -- I'm not asking if 22 and that, again, goes back to, you know, the work 22 anybody said that it happened, but rather that it that we do. You know, because I have experienced, 23 23 was alleged that it happened. 24 like I said, I've experienced myself, you know, 24 Did anybody ever tell you that Page 55 Page 57 somebody had alleged that it had happened? 1 the knowledge of thinking you are going to be 1 2 terminated because you're not, you know, up to par 2 No. Come to me and say they alleged 3 with your work habits or work ethics or what have 3 happened, no. 4 you, you know, that was the only reason. 4 Q. But you heard other people talking 5 5 Was this --Q. about it? 6 6 I heard other people talking; but A. The only reason. A. 7 Q. -- a temporary feeling that you had 7 for me to say who it was, I don't know. 8 of being? 8 Okay. Q. 9 9 Well, I still have that feeling I don't remember. A. 10 today that, you know, because we're there to 10 Q. Okay. And --11 produce and have high numbers; and if we don't 11 But that -- may I say something? Α. 12 have them, we can be either written up or 12 Q. 13 terminated or suspended. 13 But this I can assure you. This is 14 So is that -- is that something you 14 a man of upstanding. This is a college guy. And 15 again, he has daughter in college; he has a house; felt the entire time you've worked for the Federal 15 16 Records Center? 16 he has lot of responsibilities. He has -- and I 17 A. Uh-huh, I feel it -- yes. 17 said this when he was -- you know, when he worked 18 with me. He's intelligent, you know, he's a good O. All right. 18 19 I feel it then. I feel it now. You 19 man. He's a good man, you know. And, again, you A. 20 know. 20 know, as I said earlier in my testimony, you know, 21 Do you feel you are --21 I feel that the way he was treated on the job was Q. 22 That's why I do my work. 22 wrong, you know. And, you know, regardless of A. 23 -- treated any differently at any 23 what he had or didn't have on his -- written on

15 (Pages 54 to 57)

his desk, I still didn't think that that was

24

time because of your association with Mr. Murray?

			D (0)
١,	Page 58 reason for him to put him to be terminated.	1	Page 60 religious in content?
1 2	Because he's a good worker. He taught me a lot of	l	A. I didn't, again, I didn't stop,
$\frac{2}{3}$	things when I came in.	3	stand there and read them. It might have been
ı	Q. Now	4	religious, but I didn't stop and stand there and
4 5	A. Yeah.	5	read them, though.
5		6	Q. And the alleged incident in on
6 7	<ul><li>Q you said I appreciate that.</li><li>A. Uh-huh.</li></ul>	7	September 22nd, 2004, are you
8		8	A. Uh-huh.
9	Q. You said that you didn't see any of	9	Q aware of any religious component
1	the postings, so you don't know what the content	10	to that in any way?
10 11	of them was, whether it was religious in any way, correct?	11	A. No.
1		12	
12	A. I didn't yeah, again, I didn't	13	Q. Okay. So is this just your speculation about a partial basis for the
13	I knew they were up there, but I didn't look at	14	termination? It's your guess?
14	the stand there and look real close at the	15	· -
15	things. I don't recall.	16	A. Yes, that's my yes, that's my recollection.
16	Q. So why do you think Mr. Murray was	17	
17	terminated?	ı	
18	A. I don't know. I don't understand	18	A. That's what I'm saying, I'm saying
19	why they terminated, other than the writings he	19	that that's the only aspect that I know of why,
20	had on his wall or the Post-its he had on his desk.	20 21	you know, why he was terminated. But, like I said, I don't know the whole story other than what
21		22	· •
22	Q. And what was your understanding	1	I just told you.  Q. Okay. Have you ever been charged
23 24	about what it was about those writings that caused the termination?	24	with any crime?
24	the termination?	24	with any crime:
	Page 59		Page 61
1	Page 59 A. Maybe because was some of the things	1	Page 61 A. No. Uh-uh.
1 2	-	1 2	
1	A. Maybe because was some of the things	_	A. No. Uh-uh.
2	A. Maybe because was some of the things that were said on there. But, again, I can't, you	2	A. No. Uh-uh. Q. Okay.
2 3	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some	2 3	A. No. Uh-uh. Q. Okay. A. Uh-uh.
2 3 4	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but	2 3 4	<ul><li>A. No. Uh-uh.</li><li>Q. Okay.</li><li>A. Uh-uh.</li><li>Q. Have you ever been a party to a</li></ul>
2 3 4 5	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other	2 3 4 5	<ul> <li>A. No. Uh-uh.</li> <li>Q. Okay.</li> <li>A. Uh-uh.</li> <li>Q. Have you ever been a party to a lawsuit as a plaintiff or defendant?</li> </ul>
2 3 4 5 6	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive	2 3 4 5 6	<ul> <li>A. No. Uh-uh.</li> <li>Q. Okay.</li> <li>A. Uh-uh.</li> <li>Q. Have you ever been a party to a lawsuit as a plaintiff or defendant?</li> <li>A. No. Uh-uh.</li> </ul>
2 3 4 5 6 7	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to define the desired that the termination of Mr. Murray from employment had anything to define the desired that the termination of Mr.	2 3 4 5 6 7 8	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no.
2 3 4 5 6 7 8 9 10	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?	2 3 4 5 6 7 8 9	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so?
2 3 4 5 6 7 8 9 10	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial	2 3 4 5 6 7 8 9 10	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh.
2 3 4 5 6 7 8 9 10 11 12	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.	2 3 4 5 6 7 8 9 10 11 12	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state
2 3 4 5 6 7 8 9 10 11 12 13	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your	2 3 4 5 6 7 8 9 10 11 12 13	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?	2 3 4 5 6 7 8 9 10 11 12 13 14	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his association with Islam.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African black American.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his association with Islam.  Q. Okay. And what in particular? Did	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African black American. Q. Okay. I'm just going to step
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his association with Islam.  Q. Okay. And what in particular? Did you ever hear anybody in management refer to his	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African black American. Q. Okay. I'm just going to step outside for a second
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his association with Islam.  Q. Okay. And what in particular? Did you ever hear anybody in management refer to his religion?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African black American. Q. Okay. I'm just going to step outside for a second A. Uh-huh.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his association with Islam.  Q. Okay. And what in particular? Did you ever hear anybody in management refer to his religion?  A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African black American. Q. Okay. I'm just going to step outside for a second A. Uh-huh. Q with agency counsel
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his association with Islam.  Q. Okay. And what in particular? Did you ever hear anybody in management refer to his religion?  A. No.  Q. Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African black American. Q. Okay. I'm just going to step outside for a second A. Uh-huh. Q with agency counsel A. Uh-huh.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his association with Islam.  Q. Okay. And what in particular? Did you ever hear anybody in management refer to his religion?  A. No.  Q. Okay.  A. No.  Q. Okay.  A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African black American. Q. Okay. I'm just going to step outside for a second A. Uh-huh. Q with agency counsel A. Uh-huh. Q and we'll be right back. If you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his association with Islam.  Q. Okay. And what in particular? Did you ever hear anybody in management refer to his religion?  A. No.  Q. Okay.  A. No.  Q. Okay.  A. No.  Q. Are you and you're not aware of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African black American. Q. Okay. I'm just going to step outside for a second A. Uh-huh. Q with agency counsel A. Uh-huh. Q and we'll be right back. If you could just not talk to Mr. Murray during the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Maybe because was some of the things that were said on there. But, again, I can't, you know, even though it says there that I said some of the things might have been offensive, but that's only, you know, that's only in what other people have perceived it. But I didn't perceive it as being threatening, okay, at all.  Q. Do you believe that the termination of Mr. Murray from employment had anything to do with his religion?  A. I would say can I use a partial answer? Probably, yes.  Q. Okay. And what's the basis for your belief?  A. Because of because of his association with Islam.  Q. Okay. And what in particular? Did you ever hear anybody in management refer to his religion?  A. No.  Q. Okay.  A. No.  Q. Okay.  A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. Uh-uh. Q. Okay. A. Uh-uh. Q. Have you ever been a party to a lawsuit as a plaintiff or defendant? A. No. Uh-uh. Q. Have you ever been a witness in a lawsuit? A. I can't recall, no. Q. You don't think so? A. No. Uh-uh. Q. Okay. And if you could just state for the record your religion and your race? And if you don't have a religion, that's fine. A. Baptist. Okay. And African black American. Q. Okay. I'm just going to step outside for a second A. Uh-huh. Q with agency counsel A. Uh-huh. Q and we'll be right back. If you

16 (Pages 58 to 61)

		l	
1	Page 62 A. Uh-huh.	1	Page 64 to who did it?
2	Q that would be great.	2	A. Yes, I did.
3	A. I mean, I had let me say	3	Q. Okay.
4	misdemeanors, but not no crime or anything like	4	A. But I don't have any proof, I'm only
5	that.	5	going on assumptions.
6	Q. Well, let's just put it on the	6	Q. Okay. Who did you suspect did it?
7	record. Tell me what those were and what years.	7	A. Debbie Cannon. Debra Cannon is the
8	A. Oh, boy. I'm trying to remember.	8	one that I didn't see eye to eye with a lot of
9	Oh, boy, it was a misdemeanor. What happened is		times, and I had thought she did it at that time.
10	affected my diabetes. I went to a I was out in	10	But, like I said, I don't have any concrete proof.
11	Lancaster County, and I can't remember the dates	1	Q. Why would in your view, why would
12	And I went looking for a rest room. Couldn't find		she have done it?
13	one, so I went to went into a restaurant and I	13	A. Well, I had a run-in with her
14	was looking for a bathroom and I thought I was in		before. I had an altercation with her on the job.
15	one, but it was actually it was a storage room.	15	Q. Was it related to Mr. Murray in any
16	And I urinated on myself. And they said that I	16	way?
17	urinated on the floor which I didn't, but, you	17	A. No, nothing to do with him at all.
18	know, it was a fine that I paid. That's the only	18	MR. SULLIVAN: Okay. No further
19	thing I remember.	19	questions. Thanks.
20	Q. Anything else?	20	(3:00 p.m.)
21	A. No.	21	(3.00 p.m.)
22	Q. Okay.	22	
23	A. Uh-uh.	23	
24	Q. We will be right back.	24	
	·		
	Page 63	1	Page 65
1 2	(Recess at 2:57 p.m.)	1 2	I, Tracey L. Pinsky, Registered
2	(Recess at 2:57 p.m.) (Resumed at 2:58 p.m.)	2	I, Tracey L. Pinsky, Registered Professional Reporter, certify that the foregoing
2 3	(Recess at 2:57 p.m.) (Resumed at 2:58 p.m.) MR. SULLIVAN: We don't have any	2 3	I, Tracey L. Pinsky, Registered Professional Reporter, certify that the foregoing is a true and accurate transcript of the
2 3 4	(Recess at 2:57 p.m.) (Resumed at 2:58 p.m.) MR. SULLIVAN: We don't have any further questions I don't have any further	2	I, Tracey L. Pinsky, Registered Professional Reporter, certify that the foregoing is a true and accurate transcript of the deposition of WARREN HAMMOND, who was first sworn
2 3 4 5	(Recess at 2:57 p.m.) (Resumed at 2:58 p.m.) MR. SULLIVAN: We don't have any further questions I don't have any further questions. So I will turn it over to you,	2 3 4	I, Tracey L. Pinsky, Registered Professional Reporter, certify that the foregoing is a true and accurate transcript of the
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